



Tennessee Department of Environment and Conservation,
Division of Water Pollution Control
401 Church Street, 6th Floor L & C Annex, Nashville, TN 37243
(615) 532-0625

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)
STATE OPERATING PERMIT (SOP)
NOTICE OF INTENT (NOI)**

Type of permit you are requesting: ☐ SOPCD0000 (designed to discharge) ☒ SOPC00000 (no discharge) ☐ Unknown, please advise
Application type: ☐ New Permit ☐ Permit Reissuance ☐ Permit Modification
If this NOI is submitted for Permit Modification or Reissuance provide the existing permit tracking number: _____

OPERATION IDENTIFICATION

Operation Name: <u>Berner Farms</u>		County: <u>Obion</u>
Operation Location/ Physical Address: <u>938 Sanders Chapel Rd</u> <u>Union City TN 38261</u>		Latitude: <u>36°26'04.104"N</u> Longitude: <u>89°08'10.437"W</u>
Name and distance to nearest receiving water(s): <u>700' unnamed to South; 4 mi to Hossier Creek</u>		
If any other State or Federal Water/Wastewater Permits have been obtained for this site, list those permit numbers: _____		
Animal Type: <input checked="" type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Other _____		
Number of Animals: <u>22,000/barn</u>	Number of Barns: <u>6</u>	Name of Integrator: <u>Tyson Foods</u>
Type of Animal Waste Management: <input checked="" type="checkbox"/> Dry <input type="checkbox"/> Liquid <input type="checkbox"/> Liquid, Closed System (i.e. covered tank, under barn pit, etc.)		
Attach the NMP <input checked="" type="checkbox"/> NMP Attached	Attach the closure plan <input checked="" type="checkbox"/> Closure Plan Attached	Attach a topographic map <input checked="" type="checkbox"/> Map Attached

PERMITTEE IDENTIFICATION

Official Contact (applicant): <u>Robert N. Berner</u>		Title or Position: <u>owner</u>		<input checked="" type="checkbox"/> Correspondence <input checked="" type="checkbox"/> Invoice
Mailing Address: <u>938 Sanders Chapel Rd</u>	City: <u>Union City</u>	State: <u>TN</u>	Zip: <u>38261</u>	
Phone number(s): <u>731-885-5975</u>	E-mail: _____			
Optional Contact: <u>(202) 446-3563</u>		Title or Position: _____		<input type="checkbox"/> Correspondence <input type="checkbox"/> Invoice
Address: _____		City: _____	State: _____ Zip: _____	
Phone number(s): _____		E-mail: _____		

APPLICATION CERTIFICATION AND SIGNATURE (must be signed in accordance with the requirements of _____)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and title, print or type: <u>Robert N. Berner</u>	Signature: <u>Robert N. Berner</u>	Date: <u>6-1-11</u>
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STATE USE ONLY

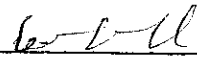
Received Date: _____	Reviewer: <u>EEO</u>	EFO: <u>Jackson</u>	T & E Aquatic Fauna: _____	Tracking No.: <u>SOPC00142</u>
Impaired Receiving Stream: _____		High Quality Water: _____		NOC Date: <u>10-8-11</u>

Addendum to Nutrient Management Plan:

By my signature below, I affirm that I have read, understand, and will comply with the following stipulations from Tennessee's CAFO rule (1200-4-5-.14) that apply to my CAFO operation.

- 1) All clean water (including rainfall) is diverted, as appropriate, from the production area.
- 2) All animals in confinement are prevented from coming in direct contact with waters of the state.
- 3) All chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
- 4) All sampling of soil and manure/litter is conducted according to protocols developed by UT Extension.
- 5) All records outlined in 1200-4-5-.14(16)d-f will be maintained and available on-site.
- 6) Any confinement buildings, waste/wastewater handling or treatment systems, lagoons, holding ponds, and any other agricultural waste containment/treatment structures constructed after April 13, 2006 are or will be located in accordance with NRCS Conservation Practice Standard 313.
- 7) Drystacks of manure or stockpiles of litter are always kept covered under roof or tarps.
- 8) An *Annual Report* will be written for my operation and submitted between January 1 and February 15 of each year. It will include all information required by rule [1200-4-5-.14(16)g].


Signature of CAFO Operator:


Date:

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JUN 10 2011

Nutrient Management Plan - Poultry

For Use by Farms

Exporting 100% of Litter Generated

1. Farmer/ Producer Information

Is ALL Litter Hauled Offsite*

*If the answer is "No," do not complete this form.

Yes

No

Please circle one

First Name:

Robert

Last Name:

Berner

Farm/ Operation Name:

Berner Farms

Tennessee County:

Obion

2. Volumes and Calculations

Poultry Type:

Broiler

Pullet

Layer

circle the type(s)

Key

A Number of birds per house per grow-out:

22,600

The amount of litter removed from a poultry house will vary depending on the litter moisture content, type and size of birds, and length of time birds are kept in house. Below is a Table summarized from the NRCS Poultry System Calculator V10.0 to assist in placing the litter amount produced per bird and assist in litter calculations.

B Number of Houses:

6

C Number of Grow-Outs / Year:

5.5

D Average Weight of Litter Produced (lbs.) / Bird / Grow-Out (see Table at right or use your farm average if known)

2.4

Type of Bird	Market/ Mature Weight (lbs)	Avg. Weight of Litter Produced (lbs)/ Bird / Grow-Out
Broilers	small (3.8 - 5.8)	2.1
	large (5.9 - 7+)	2.4
	8 - 12	8
Layer		
Pullet	5.5	3

Take **Bolded** Letters in **Key** Column Above and Below to Assist in Calculating Values Below

Number of Birds per Grow-Out = $A \times B =$

135600

Number of Birds Example: If $A = 22,000$ and $B = 2$ and $C = 5.5$ then:

$22,000 \times 2 = 44,000$ number of birds

KEY

E Number of Birds per Year = $A \times B \times C =$

745800

Number of Birds per Year Example: If $A = 22,000$ and $B = 2$ and $C = 5.5$ then:

$22,000 \times 2 \times 5.5 = 242,000$ number of birds per year

Total Tons of Litter Produced per Year on the Farm = $E \times D / 2,000 =$

894.96

Tons of Litter Produced Example: If $E = 242,000$ and $D = 2.1$ lbs. then:

$242,000 \times 2.1 \text{ lbs} = 508,200 \text{ lbs.} / 2,000 = 254 \text{ Tons}$

Tons of Litter Exported from Farm / Year

894.96

Nutrient Management Plan - Poultry

For Use by Farms

Exporting 100% of Litter Generated

3. Litter Handling and Storage

Litter Contents from Manure Analysis (as is basis)

Laboratory Name	House	Date of Analysis	Total N	P ₂ O ₅ ^a	K ₂ O ^b	Units
Chris of Ark.	Compass	5-27-11	40.6	44	96.7	lbs./Ton
						lbs./Ton
						lbs./Ton

I will get an annual manure analysis and provide the results to all parties which are given or purchase litter from my farm or operation.

Robert N. Berner 6-16-2011
Signature / Date Signed

Mortality Management

Dead birds will be disposed of according to State and local laws in a way that does not adversely affect groundwater or create public health concern. All mortalities will be disposed of using:

<u>Composting</u>	Incineration	Other:
please circle one		

initials

Closure Plan

In the event that poultry production at this location ceases, the following will be done within 360 days:

- Any litter/ compost currently in storage at the time of closure will be removed and spread elsewhere according to my current NMP.
- All litter in houses will be removed and spread elsewhere according to my current NMP.
- The most current manure analysis performed by an accredited laboratory will be provided to anyone removing litter on my farm.
- Any dead birds in the houses at the time of closure will be disposed of according to my NMP.

Robert N. Berner 6-16-11
Signature that I have read and agree to this Closure Plan / Date signed

Notes:

N = Nitrogen

P₂O₅ = Phosphorus Oxide

K₂O = Potassium Oxide

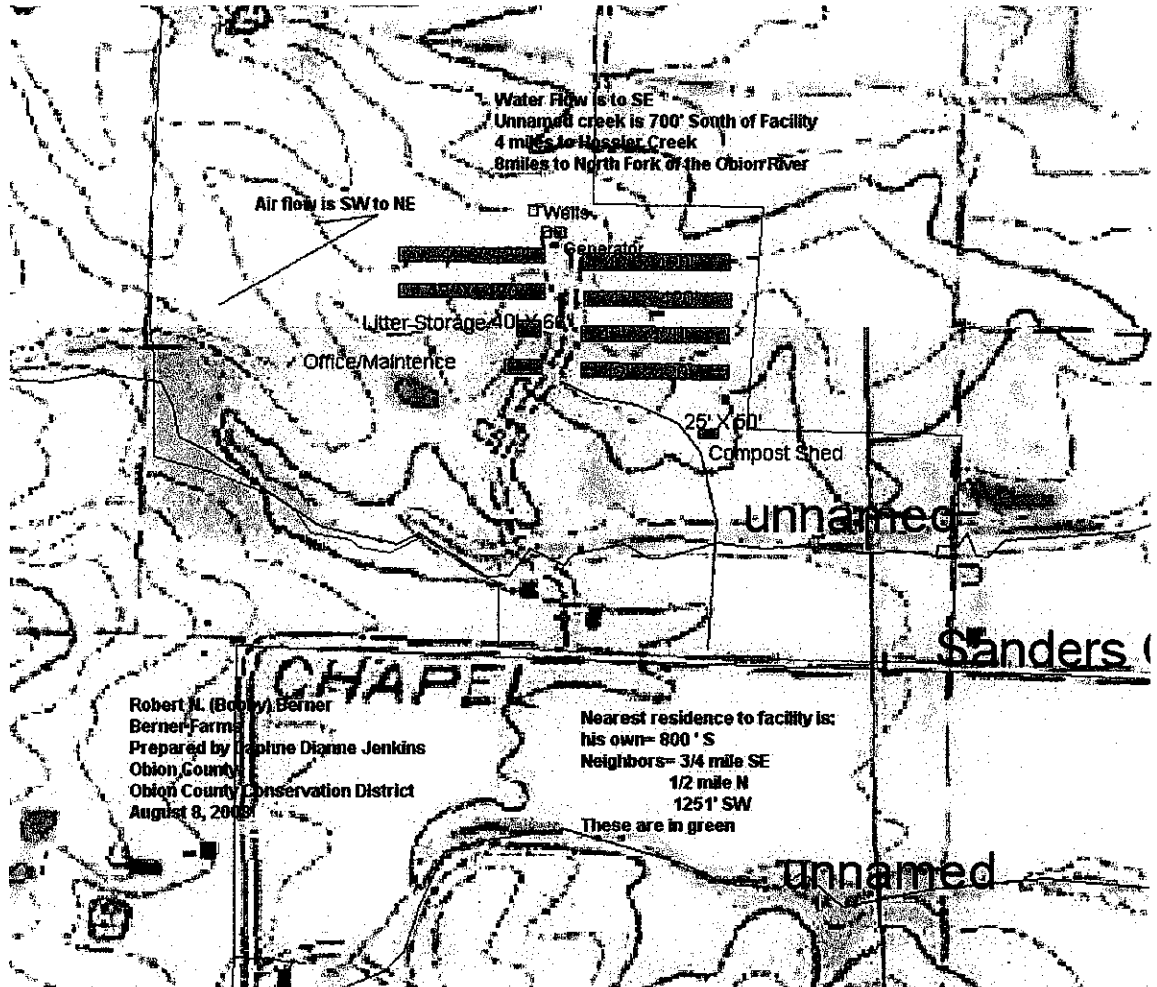
^aIf Phosphorus is expressed in analyses as Phosphorus (P), simply multiple P lbs. X 2.3 to convert to P₂O₅.

^bIf Potassium is expressed in analyses as Potassium (K), simply multiple K lbs. X 1.2 to convert to K₂O.

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Map 4: Topographic Map (Farm Scale)



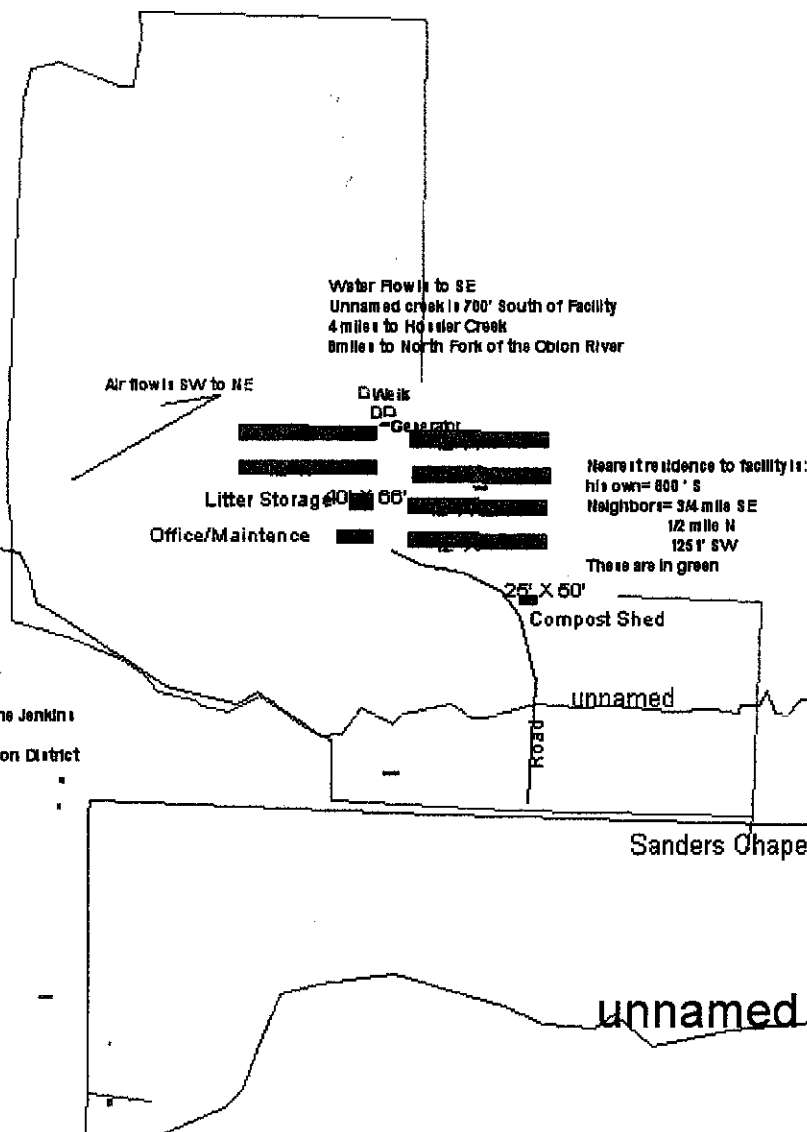
Farm Works

2.2.

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Robert H. (Bobby) Berner
 Berner Farm
 Prepared by Daphne Dianne Jenkins
 Obion County
 Obion County Conservation District
 August 8, 2008



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Farm Works Software

AGRICULTURAL DIAGNOSTIC LABORATORY
UNIVERSITY OF ARKANSAS - FAYETTEVILLE
***MANURE FOR FERTILIZER ANALYSIS (report for AGRI-429)

Name:	BOBBY BERNER	Received in lab:	5/27/2011
Address:	938 SANDERS CHAPEL RD.	Mailed:	6/09/2011
City:	UNION CITY	State, Zip:	TN 38261
County:	OBION (TN)	CK#:	3066

Lab. No.	M10893					
Sample No.	1					
Animal type	broilers					
-age/lbs	none given					
Bedding type	rice hulls					
Manure type	cleanout					
Sample date	5/24/2011					
Age of manure	6 mo					
pH	9.1					
EC(umhos/cm)	6800					
% H2O	35.66					

-on dry basis-

Total %N	3.16					
Total %P	1.49					
Total %K	3.00					
Total %Ca	2.41					
Total %Carbon	35.13					
NO3-N, mg/kg						
NH4-N, mg/kg						

-on as-is basis-

Total %N	2.03					
Total %P	0.96					
Total %K	1.93					
Total %Ca	1.55					
Total %Carbon	22.60					
NO3-N, mg/kg						
NH4-N, mg/kg						

-lbs/ton on as-is basis-

N	40.6					
P2O5	44.0					
K2O	46.7					
Ca	31.0					
Total Carbon	452.0					
NO3-N						
NH4-N						

***all analyses performed on "as-is" basis/ "dry" basis is calculated from moisture content

*lbs/ton P2O5 = %Total P on "as-is" basis multiplied by 20*2.29

*lbs/ton K2O = %Total K on "as-is" basis multiplied by 20*1.2

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6-16-2011

Nothing has changed in my operation
I am enclosing 4 p. document & map with
litter analysis. You have all others.
I compost my dead birds.
Nothing has change in my CNMP.

Robert N. Burns.

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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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6-16-2011

I, Daphne Dianne Jenkins, have
looked at Robert Bender CNMP that
I wrote in Sept. of 2008. There
are no changes.

Daphne D Jenkins

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APPENDIX C

Agreement for the Removal of Litter, Manure and/or Process Wastewater from an AFO

The conditions listed below help to protect water quality. These conditions apply to litter, manure and/or process wastewater removed from an AFO. This agreement is for (amount of waste removed, i.e. tons, gallons, etc.)

to be determined of waste, removed on (date) when needed, from the facility owned by

Robert N. Berner and located at
938 Sanders Chapel Rd Hickman City TN

- A. The litter, manure and/or process wastewater must be managed to ensure there is no discharge of litter, manure and/or process wastewater to surface or groundwater.
- B. When removed from the facility, litter, manure and/or process wastewater should be applied directly to the field or stockpiled and covered with plastic or stored in a building.
- C. Litter, manure and/or process wastewater must not be stockpiled near streams, sinkholes, wetlands or wells.
- D. Fields receiving litter, manure and/or process wastewater should be soil tested at least every two or three years.
- E. A litter, manure and/or process wastewater nutrient analysis should be used to determine application rates for various crops.
- F. Calibrate spreading equipment and apply litter, manure and/or process wastewater uniformly.
- G. Apply no more nitrogen or phosphorus than can be used by the crop.
- H. A buffer zone is recommended between the application sites and adjacent streams, lakes, ponds, sinkholes and wells. The following non-application buffer widths, as recommended by the University of Tennessee Extension, should be used when applicable:

Object, Site	Buffer Width, feet	Situation
Wells	150	Up-slope of application site
	300	Down-slope of application site, if conditions warrant application
Waterbody	30-100	Depending on the amount and quality of vegetation and slope
Public Use Area	300	All
Residences	300	Other than producer

- I. Do not apply litter, manure and/or process wastewater when the ground is frozen or on steep slopes subject to flooding, erosion, during rain events, or onto saturated soil, or rapid runoff.
- J. Cover vehicles hauling litter, manure and/or process wastewater on public roads.
- K. Keep records of locations where poultry litter will be used as a fertilizer.

I, George Palmer am the person receiving litter, manure, and/or
(name)
process wastewater and do understand the conditions listed above.

x George A. Palmer x 6-1-11
(signature) (date)

x 566 Rice Lane Hickman, Ky 42058 270-883-4517
(address) (phone)

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#342

Erin + Sam

There are no new barns. All is still the same. I had a miscommunication. We are sending

1. Addendum
2. NOD
3. Contact sheet - (got to Sam)
4. Appendix C Litter agreement.
5. New litter analysis

Diane Jenkins
5.27.2011

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JUN 10 2011



TENNESSEE DEPARTMENT OF AGRICULTURE
Water Resources Program

June 27, 2011

Ms. Erin O'Brien
TDEC
L&C Annex, 6th Floor
Nashville, Tennessee 37243

Dear Ms. O'Brien:

I am writing to inform you that I have reviewed the application and Nutrient Management Plan (NMP) for CAFO permit for Mr. Robert N. Berner, Berner Farms, in Union City, Tennessee (previous NPDES Permit NO. TN0080691).

This letter is to confirm that the TDA has reviewed and approved the NMP. I have enclosed a copy of the Nutrient Management Plan Requirements form and the original signed and dated Notice of Intent (NOI) form, Addendum to Nutrient Management Plan, Closure Plan, NMP, manure analysis, and stamped Approval Stamp form for your review and final approval.

Sincerely,

Angela L. Warden
CAFO Specialist

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JUN 29 2011

Mr. Robert N. Berner
Berner Farms

: //enclosures

cc:// Mr. Robert Berner, owner Berner Farms

ec:// Mrs. Dianne Jenkins, Technical Service Provider



TENNESSEE DEPARTMENT OF AGRICULTURE

Water Resources Program

The following individual has submitted all required elements of an NMP/CNMP as required to obtain a CAFO permit. Their Nutrient Management Plan (or CNMP) has been reviewed and approved by this office.

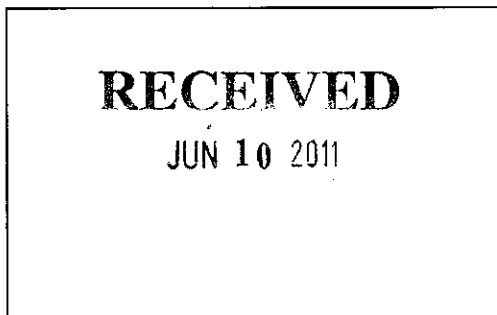
Name of Owner/Operator: Robert Berner

Operation Name: Berner Farms

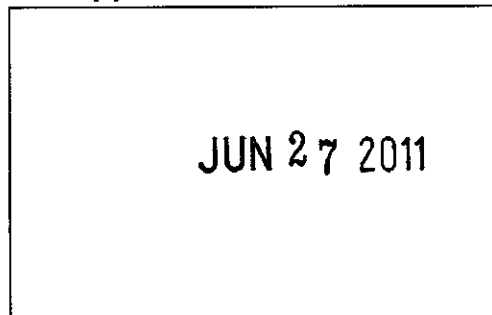
Address of Operation: 938 Sanders Chapel Rd. Union City, TN 38261

Phone Number: (731) 885-5975 County: Obion

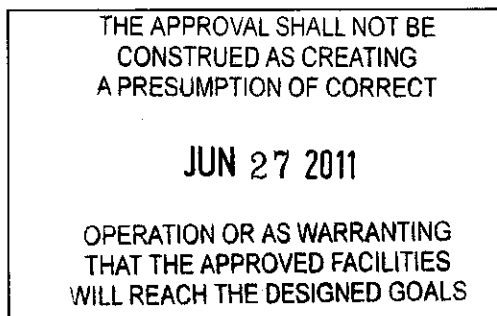
Date application was initiated:



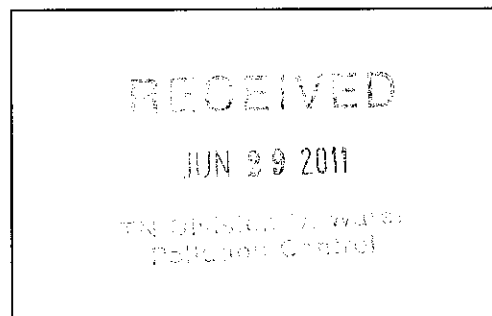
Date approval forwarded to TDEC:



NMP/CNMP Approval Date:



Date approval received by TDEC



TDA Reviewer's Name: Angela Warden

TDA Reviewer's Signature: Angela Z. Warden 6/27/11
Date

Robert Berner

Berner Farms

Union City, TN

6/27/11

6/13/11

Obion Co. TN

Nutrient Management Plan Requirements

The following 9 items need to be submitted at the time the permit is applied for. Additional record-keeping items as outlined in the CAFO rules are also considered part of the nutrient management plan and must be kept on-site. More information on each item can be found in the CAFO rule (1200-4-5-.14).

- Applied to permit*
- ☒ 1. **Two maps:** (1.) A map of your farm showing location of any animal barns/houses, compost bins, litter storage bins, manure lagoons/holding ponds, nearby roads, fields to which litter/manure will be applied, and non-application buffer areas around any bodies of water (streams, creeks, rivers, ponds, wells, sinkholes, springs, wetlands, etc.). A hand-drawn map is acceptable and even preferred. (2.) A topographic map of the farm (1:24000 scale, showing 1-mile radius from farm) showing property lines.
 - ☒ 2. **Nutrient budget** – this is basically a balance sheet of all manure produced on the farm and all manure spread on the farm or removed from the farm. Application rates for all fields should be based on crop needs, realistic crop yield expectations, and actual manure analyses of nutrient content.
 - ☒ 3. **Soil test results** for phosphorus and potassium for each application field. These must be taken at a minimum of every five years.
 - ☒ 4. Results of **manure analysis** from within the past year. Annual manure testing is a requirement for all CAFOs. These results must be included with initial permit application if the farm is in operation. If the farm that is applying for the permit is new and not yet operating, then manure testing results need to be obtained once operation begins. At that point, the manure test results and revised application rates need to be submitted to TDA. Manure test results in subsequent years need to be kept as part of your record-keeping activities.
 - ☒ 5. Results of the **Phosphorus Index** applied to each field that has a soil test P value of "High" or "Very High". In those situations, this tool will determine whether your application rates will be based on nitrogen or phosphorus.
 - ☒ 6. Statement regarding method of **dead animal disposal**.
 - ☒ 7. **Closure Plan** to be implemented in the event animal production ceases on the site.

These last two items are only required for medium-size CAFOs that manage **liquid manure**.

- ☒ 8. Documentation of **design of liquid waste handling system**. This should include, but is not limited to: volume for solids accumulation, design treatment volume, total design volume, the approximate number of days of storage capacity, pumping and routing of wastes, and any solid separation process. Ideally, this documentation would consist of the pertinent engineering drawings with accompanying descriptive narrative.
- ☒ 9. The construction, modification, repair, or installation of any portion of a CAFO liquid waste handling system (such as earthen holding pond, treatment lagoon, pit, sump or other earthen storage/containment structure) after April 13, 2006 must be preceded by a thorough **subsurface investigation**. This investigation will include a detailed soils investigation with special attention to the water table depth and seepage potential.

In addition to the items above, the following form(s) must accompany your application:

- ☒ **Notice of Intent form** must be submitted with all applications from Class II (Medium) CAFOs
- OR**
- ☒ **EPA Forms 1 and 2B** must be submitted with all applications from Class I (Large) CAFOs.
- ☒ **Addendum to Nutrient Management Plan**.